

COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE FIRST APPELLATE DISTRICT

FILED

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff and Respondent,

-vs-

ELLIOT SCOTT GRIZZLE,
(H-10106)

Defendant and Appellant.

COURT OF APPEAL
NO. _____

COUNTY OF DEL NORTE
NO. 97-268-X

Reporter's transcript of proceedings on MOTIONS,
in the above-entitled action, before the Hon. ROBERT W.
WEIR, Judge, at the Del Norte County Courthouse, Crescent
City, California, on February 5, 1999, reported by
William C. Beard, RPR, CSR No. 10460

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A P P E A R A N C E S

FOR THE APPELLANT:

FIRST APPELLATE PROJECT
730 Harrison Street, Suite 201
San Francisco, California 94107

For the Respondent:

BILL LOCKYER
Attorney General
50 Fremont Street, Suite 300
San Francisco, California 94105-2239

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF DEL NORTE

3 HONORABLE ROBERT W. WEIR, JUDGE

4 * * *

5
6 THE PEOPLE OF THE STATE OF)
CALIFORNIA,)

7 Plaintiff,)

8 -vs-)

Case No. 97-268-X

9 ELLIOT SCOTT GRIZZLE,)
10 (H-10106))11 Defendant.)
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A P P E A R A N C E S

FOR THE PEOPLE:

ROBERT DROSSEL
District Attorney
County Courthouse
Crescent City, CA 95531

By: James Fallman, Deputy

FOR THE DEFENDANT:

RUSSELL J. CLANTON
Attorney at Law
725 8th Street, Suite D
Arcata, CA 95521

1 talking to him, found out that they were both home boys
2 from the same Southern California Nazi Low Riders.

3 This man asked him: Do you want to move up? And
4 Ridinger said: Yeah, I'd like to get in the tip.

5 And he said: Well, I'll talk to Littrell and
6 we'll see what's up.

7 In other words, we'll see what could be done to
8 give you an opportunity.

9 THE COURT: Supposed to hit someone; he thought
10 that meant stab them. Then his testimony was: No, that
11 means kill them. He wasn't expecting to be ordered to
12 kill somebody. So when he backed out, what was -- how
13 did that go after that?

14 MR. FALLMAN: He was in the hat with the A.B.
15 once he backed out, meaning that his life, he knew --

16 THE COURT: And that was the reason he wanted to
17 testify?

18 MR. FALLMAN: That and protective custody,
19 knowing that he was in the hat.

20 THE COURT: Well, as I look at their motive, the
21 motives of each of them, each of them has some kind of
22 slimy motive for wanting to testify, and I guess I'm
23 trying to conceive of how the defense could do any
24 better than that if they had this discovery that they
25 want.

26 I mean, Healy commits an outright murder, admits
27 he lied under oath in a jury trial, and says, I murdered
28 my friend because this bunch of criminals told me to do

1 it, and they lied because they really should have all
2 told me to do it, but they didn't all, only a few did,
3 so I'm mad at them, so I decided to turn state's
4 evidence.

5 I mean, you couldn't ask for more despicable
6 reasons for him to testify. I mean, how low can you
7 get? I mean, how much lower could you get him if you
8 had this information you want? I mean, you couldn't get
9 him any lower. He's at the bottom of the pit.

10 You look at Contreras. Contreras, who admits
11 that he did things. Contreras' testimony was that
12 they're going to kill that guy, so he was right in the
13 thick of it, he knew what he was doing. In fact, if I
14 remember, if I recollect, I even instructed the jury in
15 the other trial, and I'll have to do it in this trial,
16 too, that Contreras' testimony can't even be believed
17 without corroboration because he's an accomplice, as a
18 matter of law, to the murder. So you can't get any
19 lower than Contreras. And there's nothing you can do to
20 impeach him that would make him any lower than he
21 already says he is. He took part in a murder,
22 knowingly. I mean, that's Contreras.

23 And Ridinger who admits he wants to go -- he
24 wants to be promoted from Nazi Low Rider up to the
25 exalted status of Aryan Brotherhood. To do it, agrees
26 to do bodily harm to some individual. And then, because
27 I guess he doesn't want to get in trouble for a murder,
28 then backs down and now says he has to testify to get

1 himself out of that jam. I mean, how despicable can you
2 get? I mean, he's right down there, you know, and so I
3 don't see that you can gain any extra attraction on
4 these guys by having this information that you say you
5 want. I mean, they are -- they are already at the
6 bottom of the pit. And so --

7 MR. CLANTON: Your Honor, if I could have --

8 THE COURT: So I'm wondering if there's any real
9 purpose in this exercise of dredging through these files
10 to have all about these gangs in what you, I think,
11 candidly say is regarded as water teeming with fish all
12 right, and that's an apt phrase, but I don't see that it
13 moves the ball any closer to the goal line for you.

14 MR. CLANTON: If I may just briefly, your Honor.
15 I know that Mr. Grizzle is very urgent about discussing
16 a matter with me, but I do have a response for the
17 Court, if I could just have a moment.

18 (Sotto voce conversation between Mr. Grizzle
19 and Mr. Clanton.)

20 MR. CLANTON: Your Honor, in part, my response
21 is -- is a reiteration of some of my comments yesterday,
22 but I'll keep -- streamline them and try to summarize
23 them. I'm not going to go through that again.

24 Certainly what the Court has said is absolutely
25 true, that there are a number of despicable things that
26 could be said about these individuals, and this jury's
27 going to hear all that. But what I think is important
28 for the Court to note is that what they're going to hear